

# The Builder.

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**A**TANGLED web is gradually enclosing all who meddle with building matters, in and around the metropolis, the inconveniences of which they will find much difficulty in escaping:—the more so too, because they scarcely know what it is or where to look for it. At the present moment the law which regulates building is nowhere to be found, out of the registrar's office, but in our pages, and there only by searching for and collating the two Acts of Parliament, the various modifications which have been authorized, from time to time, by the Woods and Forests, and numerous awards issued by the official referees. The Metropolitan Buildings Act is universally admitted to be a defective and vexatious piece of legislation. The amount of ill-feeling engendered by it has scarcely a parallel. Builders, district surveyors, and legislators, have alike admitted that an immediate and searching amendment of its provisions was required, and rumours of a new Act (three new Acts, to supersede the one, were even talked of) have long been current. The first amending Act, passed in the early part of last year, relates merely to the appointment, duties, and salaries of the official referees, and contains a blunder through which, one of these days, we may find after-referees acting as district surveyors also.

At last we have a bill to further amend the Act; and this we much fear, so far from simplifying and making clear the law, getting rid of uncalled-for interference with private rights, so much needed, and loosening useless trammels, will still further complicate matters, and lead to such uncertainty as cannot fail to be productive of bad results. Its chief effect will be to give a large amount of power to the official referees, and enable them to alter and modify the law from time to time, in such way as may seem to them desirable. Of this our readers will better judge when we have placed before them the heads of the bill, which we have carefully condensed.

Clause 1. enacts that the two former Acts and this, shall be construed as one Act, and comprehended in the term "Metropolitan Buildings Acts."

Clause 2 and 3, being important, we quote in full:—

2. "And be it enacted, that it shall be lawful for all the official referees from time to time, by writing under their hands, and sealed with the seal of the registrar of metropolitan buildings, to give general instructions to the district surveyors, authorizing and requiring them to abstain from enforcing the provisions of the Metropolitan Buildings Acts, with respect to any buildings or structures of a trivial character, or intended only for temporary purposes or situate in rural places in their districts, and unlikely to be attended with danger, or with respect to any alterations or other works of a trivial character, in or about any building or structure, the general nature of the buildings or structures, and of the alterations or works as to be withdrawn from the operation of the said Acts, to be described or specified in such instructions, in such manner as shall appear to the official referees best adapted to carry

their instructions into effect, and from time to time to alter, vary, or revoke such restrictions; and whenever, after the receipt of such instructions, any district surveyor shall receive notice of the intended erection of any building or other structure which shall appear to him to be within the scope of such instructions, or of any intended rebuilding, alteration, raising, or enlargement of any such building or structure, or of any alterations or works which shall appear to him to be within the scope of such instructions, he shall give notice thereof to the builder, who, after the receipt of such notice, shall be at liberty to erect such building or structure, or execute such work according to the terms of such instructions, without being subject to any of the penalties imposed by any of the Metropolitan Buildings Acts, so long as such building, structure, or work is erected or executed in conformity with the description thereof contained in his notice to the district surveyor, but not longer or otherwise; and with regard to any building, structure, or work which shall fall within the scope of any such instructions as aforesaid, the district surveyor shall not be entitled to receive any fees for the supervision or alleged supervision thereof, or such fees only as the official referees in such their instructions shall direct to be paid for the same: Provided always, That if an owner or occupier of property adjoining or near to any building or structure, or intended building or structure, comprised in or within the scope of such instructions, or the overseers of the parish in which the same is situate, be of opinion that the building or structure, or any work connected therewith, cannot be executed in the manner proposed, with safety or without injury to the adjoining property or to the public, it shall be lawful for such owner or occupier or overseers, to require the district surveyor to interfere and prevent such danger or injury; and if it appear to the district surveyor that such opinion is well founded, he shall give notice to the builder or other person by whom such building or structure or work has been or is intended to be executed, requiring such builder or other person to erect such building or structure or execute such work in accordance with the provisions of the Metropolitan Buildings Acts; and such builder or other person shall act in conformity with such notice, subject, nevertheless, to an appeal to the official referees by any party interested."

3. "And be it enacted, that if in any case, from the special circumstances thereof, a strict observance of the rules comprised in the aforesaid schedules, or of the provisions of this Act, or any of them, would be attended with great loss or inconvenience, or if the object of any building, rebuilding, alteration, or enlargement cannot be conveniently effected without deviating from one or more of the said rules or provisions, it shall be lawful for the parties concerned, previously to commencing any such works, or the part of the works to which the application is to apply, to make application, with reference thereto, to the official referees, who shall thereupon, if they think fit, direct the district surveyor to survey the premises with reference to the matters stated in such application, and to report thereon, in obedience to such direction; and if, upon consideration of the application, it appear to the official referees that a deviation from the said rules or provisions, or any of them, may in such case be properly authorized, then it shall be lawful for the said official referees, by a certificate under their hands, sealed with the seal of the registrar of metropolitan buildings, to autho-

rise the parties concerned to make such deviations from the said rules or provisions as shall in such writing be particularly specified and set forth, and to impose such terms, conditions, and restrictions with reference thereto as to them shall seem proper; and every such writing shall state the special circumstances or other matter which shall be considered to warrant such deviation; and the district surveyor shall be entitled to such fee as the official referees shall appoint on that behalf."

4. Makes it lawful for the registrar to publish, in such manner as he may deem proper, all the instructions issued by the referees, and such of the exceptions, exemptions, and modifications as may be made from time to time; pointing out the grounds of exception, &c., and giving such other information as he may think useful to the public.

5. Confirms all modifications and directions already issued by the Commissioners of Woods, and directs that new rules, made under some powers, shall take effect from the publication thereof in the *London Gazette*.

6. Makes the rules in a schedule (A) to this Act supplementary to the schedule of the original Act.

7. Abolishes the special supervision authorized by original Act, and requires the surveyors to have regard, in all but buildings exempted by schedule B of original Act (part II.), concerning which there is an after-provision, "to the stability and sufficiency of the structure," and gives instructions for their proceeding in the event of defective or insufficient building.

8. Empowers parties to split buildings separated by party-walls, when in same occupation, by making openings in such walls, to be forthwith built up when structures become occupied by different persons.

9. Declares that walls, which have been used as separations between buildings in different occupations since January 1, 1845, shall continue to be deemed party-walls, whether the buildings remain in different occupations or not.

10. Provides that any building comprised in schedule B, part II., which shall not be insulated, shall be liable to the Building Acts, unless exempted by referees on special application.

11. Requires that notice of a proposed building or alterations, given to district surveyor, shall state such particulars as will enable him to determine the rate of the building, and the requirements of the Acts.

12. Makes award or certificate of the referees, declaring any work irregular, conclusive; and requires justices to proceed under the provisions of the Acts, and to take no evidence of removal of irregularity but referee's certificate to that effect.

13. Makes it lawful for the surveyor, in the event of any irregularity declared by the referees, to summon persons by whose directions such work was executed before a justice, who, if the person do not appear, or fail to shew good cause to the contrary, shall authorize the surveyor to abate the nuisance, and dispose of the materials to reimburse himself the charges. If insufficient for this, surveyor may levy on goods and chattels.

14. Authorizes Lord Chamberlain, justices, &c., before granting licenses to theatres and other places of public entertainment, to require surveyor's certificate that the building is secure.

Then, for the purpose of facilitating proceedings relative to party structures,—

15. Enacts:—"That in every case where the consent or award of the official referees is neces-